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MEMO ENDORSED

June 10, 2008

BY HAND

Judge Denise L. Cote
United States District Judge
Southern District of New York
500 Pearl Street
New York, New York 10007

USDC SDNY
DOCUMENT
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Re: Kathy Jones et al. v. City of New York, et al., 08 CV 4512 (DLC)

Dear Judge Cote:

I am an Assistant Corporation Counsel in the Special Federal Litigation Division of the New York City Law Department and attorney for defendants City of New York and Commissioner Raymond W. Kelly. I am writing with the consent of plaintiff's counsel, Michael Kushner, Esq., to respectfully request a forty five (45) day enlargement of time from June 10, 2008, until July 25, 2008, within which this office may answer or otherwise respond to the complaint. This is the first request made by this office for an enlargement of time in this action.

The complaint alleges, *inter alia*, that plaintiffs' Kathy Jones, Donovan and Trenton Jones, by their mother and natural guardian Kathy Jones, were falsely arrested/imprisoned and subjected to excessive force and their home was unlawfully entered and searched. Before this office can adequately respond to the complaint, we will need to conduct a preliminary investigation into the facts of the case. In this regard, we will need properly executed unsealing releases from plaintiffs for any arrest documents and/or criminal court records regarding the incident. We have forwarded the necessary consent authorizations to plaintiffs so that we can access the sealed records, properly assess the case and respond to the complaint. The enlargement of time will, therefore, afford us the opportunity to investigate the matter.

In addition to the City of New York and New York City Police Department, plaintiff purports to name Police Officer Angus Mackenzie, Shield No. 6284 and Police Officers Shield Nos. 7204, 27111, 68222 and 21837 as defendants. A review of the docket sheet indicates that Police Officer Mackenzie may have been served with a copy of the complaint in this action. A decision concerning this Office's representation of Police Officer Mackenzie has

not yet been made and accordingly, this request for an extension of time is not made on his behalf. However, given the time involved in determining the representation of a police officer, and in the interest of judicial economy, we would hope that the court may, *sua sponte*, extend the time to answer on behalf of all defendants.

Further, assuming plaintiff effects timely service on the individual defendants, the extension should allow time for this office to determine, pursuant to Section 50-k of the New York General Municipal Law, based on a review of the case, whether we may represent the individually named defendant. See Mercurio v. The City of New York et al., 758 F.2d 862, 864-65 (2d Cir. 1985) (quoting Williams v. The City of New York et al., 64 N.Y.2d 800, 486 N.Y.S. 2d 918 (1985) (decision whether to represent individual defendants is made by the Corporation Counsel as set forth in state law)).

In view of the foregoing, it is respectfully requested that the Court grant the within request extending the City's time to answer or otherwise respond to the complaint until July 25, 2008.

Thank you for your consideration in this regard.

Respectfully submitted,

Meghan Cavalieri

Meghan A. Cavalieri (MC 6758)
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Special Federal Litigation Division

*/ Granted -
Venise Loker
June 11, 2008*

cc: VIA FACSIMILE
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